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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1 and 3-18 are pending in the application. Claims 1 and 3-18 have been rejected. Claims 1, 3-4 and 6-10 have been amended.

Claims 3-4 and 6-7 have been voluntarily amended for clarification only. These amendments do not narrow the scope of the claim. The amended claims are not subject to the complete bar against the use of the doctrine of equivalents as outlined in *Festo Corp. v. Shoketsu Kinsoku Kogyo Kapushiki Co., Ltd. a/ka/ SMC Corp. and SMt Pneumatics, Inc.*, as the amendments do not narrow the scope of the claims.

Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 1 and 3-18 under 35 U.S.C. § 112, first paragraph.

Claims 1 and 8-10 have been amended to overcome the deficiencies noted by the Examiner. The phrases "a first type of device" and "a second type of device" have been deleted from the claims. It is respectfully asserted that the foregoing amendment merely addresses matters of form and does not change the literal scope of the claim in any way or result in any prosecution history estoppel.

Applicants respectfully assert that these amendments render claims 1 and 3-18 proper under 35 U.S.C. § 112 and request that the rejections be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 4, 8 and 10 under 35 U.S.C. § 102(b), as being anticipated by non-patent literature Vullings *et al.*, "Automated ECG Segmentation with Dynamic Time Warping." Applicants respectfully traverse this rejection in view of the remarks that follow.

Vullings *et al.* does not deal with imaging at all. Vullings *et al.* purportedly disclose a method for automated annotation and segmentation of an electrocardiogram signal, in which the segmentation is based on comparison with a reference segmented heartbeat by means of dynamic time warping. Vullings *et al.* do not teach or suggest "defining the corresponding image by identification of an image of the image sequence whose acquisition instant corresponds at least approximately to the correspondence instant, wherein the corresponding image represents at least approximately that state of motion of the moving object which is represented in the reference image," as recited in amended independent claim 1. Nor do Vullings *et al.* teach or suggest a "data processing unit being arranged to at least...define the corresponding image by identification of an image of the image sequence whose acquisition instant corresponds at least approximately to the correspondence instant, wherein the corresponding image represents at least approximately that state of motion of the moving object which is represented in the reference image," as recited in amended independent claim 8. Nor do Vullings *et al.* teach or suggest a "defining a corresponding image by identification of an image of the image sequence whose acquisition instant corresponds at least approximately to the correspondence instant, the image sequence being acquired by an imaging device, wherein the corresponding image represents at least approximately that state of motion of the moving object which is represented in the reference image," as recited in amended independent claim 10. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Vullings *et al.* cannot anticipate independent claims 1, 8 and 10, as amended.

Accordingly, Applicants respectfully assert that amended independent claims 1, 8 and 10 are allowable. Claim 4 depends directly from claim 1 and therefore includes all the

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limitations of that claim. Therefore, for at least the reasons that claim 1 is allowable, Applicants respectfully assert that claim 4 is likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claims 1, 8 and 10 and to claim 4 dependent thereon.

Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1, 4, 8 and 10.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner has rejected claims 3, 5-7 and 9 under 35 U.S.C. § 103(a), as being unpatentable over Vullings *et al.*, in view of Beier, "Advance Subtraction Angiography: Mask Selection and Image Registration," in further view of Urbano *et al.* (US 6,228,030) and Dittrich *et al.* (US 5,776,063).

Applicants respectfully traverse this rejection of claims 3, 5-7 and 9 under Vullings *et al.*, in view of Beier, Urbano *et al.* and Dittrich *et al.*

Applicants assert that neither Vullings *et al.*, Beier, Urbano *et al.*, nor Dittrich *et al.*, alone or in combination, teach or suggest a "data processing unit being arranged to at least...define the corresponding image by identification of an image of the image sequence whose acquisition instant corresponds at least approximately to the correspondence instant, wherein the corresponding image represents at least approximately that state of motion of the moving object which is represented in the reference image, wherein the similarity function is obtained by means of a dynamic time warping method" as recited in amended independent claim 9. It would not be obvious to include "data processing unit being arranged to at least...define the corresponding image by identification of an image of the image sequence whose acquisition instant corresponds at least approximately to the correspondence instant, wherein the corresponding image represents at least approximately that state of motion of the moving object which is represented in the reference image, wherein the similarity function is obtained by means of a dynamic time warping method" in Vullings *et al.*, Beier, Urbano *et al.*, or Dittrich *et al.*. Thus, neither Vullings *et al.*, Beier, Urbano *et al.*, nor Dittrich *et al.*, alone or in combination, teach or suggest the invention of amended independent claim 9.

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An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since Vullings *et al.*, Beier, Urbano *et al.*, and Dittrich *et al.*, alone or in combination, do not teach or suggest all the elements of independent claim 9, the Examiner fails to establish a *prima facie* showing that Vullings *et al.*, Beier, Urbano *et al.*, and Dittrich *et al.*, alone or in combination, teach or suggest every feature of claim 9.

As discussed above, Applicants respectfully assert that amended independent claim 1 is allowable. Claims 3 and 5-7 depend, directly or indirectly, from claim 1 and therefore include all the limitations of that claim. Therefore, for at least the reasons that claim 1 is allowable, Applicants respectfully assert that claims 3 and 5-7 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claims 9, and to dependent claims 3 and 5-7.

In the Office Action, the Examiner rejected claims 11-18 under 35 U.S.C. § 103(a), as being unpatentable over Vullings *et al.*, in view of Schukat-Talamazzini, "Automatische Spracherkennung."

Applicants respectfully traverse the rejection of claims 11-18 under Vullings *et al.*, in view of Schukat-Talamazzini.

As discussed above, Applicants respectfully assert that amended independent claims 1 and 8-10 are allowable. Claims 11-18 depend from, directly or indirectly, claims 1 and 8-10, and therefore include all the limitations of those claims. Therefore, for at least the reasons that claims 1 and 8-10 are allowable, Applicants respectfully assert that claims 11-18 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to dependent claims 11-18.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the

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prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Respectfully submitted,

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